

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

PAUL BOLIN,

Plaintiff,

v.

CLARK COUNTY, State of Washington,

Defendant.

Case No. C10-5218 RJB

ORDER DISMISSING
FEDERAL CLAIMS AND
REMANDING STATE
CLAIMS

This matter comes before the court on the court's Order to Show Cause. Dkt. 10. The court has considered the relevant documents and the remainder of the file herein.

BACKGROUND

On September 5, 2008, plaintiff filed his complaint in the Superior Court of the State of Washington for Cowlitz County, Cause No. 08-2-01742-8. *See* Dkt. 1. Plaintiff, the owner of a property located at 11812 NE Highway 99, Vancouver, Washington 98686, sued defendant Clark County, alleging that its adjustments to the roads surrounding the plaintiff's property encroached the property in various ways that amounted to a "taking" of portions of the property. *Id.* Plaintiff filed an amended complaint on October 28, 2008. *Id.* On January 15, 2009, the defendant filed its answer, and on February 18, 2009, the defendant filed a motion to dismiss for lack of subject matter jurisdiction pursuant to Washington Civil Rule 12(h)(3) and RCW 4.12.010(1). *Id.* On February 27, 2009, the Cowlitz County Superior Court entered a Stipulated Order Changing Venue of the action and transferred the case to the Superior Court of

1 the State of Washington for Clark County. *Id.* On March 1, 2010, the plaintiff filed a second amended
2 complaint, which added to the complaint a new paragraph 20, containing new allegations that Clark
3 County had violated the United States Constitution and that the plaintiff is entitled to damages and
4 attorneys fees pursuant to Title 24 U.S.C. § 1983, et seq. *Id.* The Superior Court of the State of
5 Washington for Clark County did not hear any further proceedings, and the defendant filed its notice of
6 removal to United States District Court on March 29, 2010. Dkt. 1.

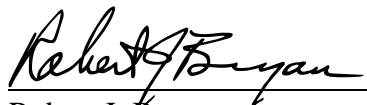
7 On April 6, 2010, the court issued an order, directing the parties, not later than April 30, 2010, to
8 show cause why the federal court has jurisdiction over this matter. Dkt. 10. The court further informed
9 the parties that, if they failed to timely respond to the court's order to show cause, or if they otherwise
10 failed show cause, the court would dismiss the plaintiff's federal claims without prejudice for lack of
11 jurisdiction, and would remand the plaintiff's state claims to the Superior Court of the State of
12 Washington for Clark County. Dkt. 10.

13 Neither of the parties filed a response by April 30, 2010. Accordingly, pursuant to the analysis set
14 forth in the court's Order to Show Cause (Dkt. 10), the court should dismiss the federal claims without
15 prejudice, and should remand the state claims to state court.

16 Accordingly, it is hereby **ORDERED** that plaintiff's federal claims are **DISMISSED WITHOUT**
17 **PREJUDICE**. Plaintiff's state claims are **REMANDED** to the Superior Court of the State of
18 Washington for Clark County.

19 The Clerk is directed to send uncertified copies of this Order to all counsel of record and to any
20 party appearing *pro se* at said party's last known address. The Clerk is further directed to send certified
21 copies of this order to the Clerk of the Court for Clark County Superior Court.

22 DATED this 3rd day of May, 2010.

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24 Robert J. Bryan
25 United States District Judge
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